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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,320	07/13/2004	Micah A. Carlson	1813-8124	6124

7590 07/18/2007  
Francis A Cooch Office of Patent Counsel  
The John Hopkins University  
Applied Physics Laboratory  
11100 Johns Hopkins Road  
Laurel, MD 20723-6099

EXAMINER
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ROGERS, DAVID A

ART UNIT	PAPER NUMBER
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2856

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,320	CARLSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David A. Rogers	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 C.F.R. 1.114***

1. A request for continued examination under 37 C.F.R. 1.114, including the fee set forth in 37 C.F.R. 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. 1.114, and the fee set forth in 37 C.F.R. 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. 1.114.

#### ***Response to Amendments***

2. The affidavits filed on 29 May 2007 under 37 C.F.R. 1.131 have been considered and are, at this time, sufficient to overcome the previous rejection under 35 U.S.C. 102(e) with United States Patent 6,684,682 to Stemmler *et al.* However, in view of the affidavits filed new grounds of rejection are established below.

#### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2004/0020264 to Megerle,

United States Patent 4,275,875 to Akers, United States Patent Application Publication 2003/0136203 to Yoon, and United States Patent 4,718,268 to Reid *et al.*

Megerle claims priority to provisional application 60/330,807 filed 31 October 2001, which is before the conception date established by the applicants. The subject matter identified in the rejection is supported by the provisional application. Yoon claims priority to provisional application 60/344,635 filed 26 October 2001, which is before the conception date established by the applicants. The subject matter identified in the rejection is supported by the provisional application.

Megerle teaches a method and apparatus for screening mail to identify those items likely to contain contaminants. Mail items (reference item 4) are delivered to a plenum chamber (reference item 20) that has an air mover (reference item 30) associated with it. The mail items are delivered using pinch rollers, which compress the mail pieces. Megerle teaches that this act of compression will cause contaminants to be released into the air. Megerle also teaches the use of a sensing suite (reference item 24) for analyzing the air from the intake plenum for identifying the presence of contaminants.

Existing mail processing equipment uses pinch rollers throughout the delivery process. See, for example, the sorting/delivering system in Akers.

Art Unit: 2856

Therefore, the air intake plenum in Megerle would be located near pinch rollers or other mail compressing means.

Megerle does not teach opening each mail item. However, Yoon teaches that it is known to open mail items using items such as a scissors (reference item 130) or a poking syringe (reference item 131). Yoon does this in order to facilitate release of the contaminants in the mail item.

Megerle also does not teach shaking the mail items. Reid *et al.*, however, teaches that it is known to shake containers (reference item 10) to facilitate the release of contaminants into the air. See column 2 (lines 9-17). See also column 8 (lines 56-64) where the term --container-- is defined to include boxes, letters, and other mail items.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Megerle with the teachings of Akers, Yoon, and Reid *et al.* in order to open each mail item and simultaneously shake and compress each mail item in order to facilitate the release of contaminants into to air for detection.

With regard to claim 15 it is considered obvious to simultaneously shake and compress the mail items in order to maximize the amount of contaminants released into the air which will then be available for detection by being drawn into the sensor via the air handler.

With regard to claim 16 it is noted that Megerle also traps the contaminants using a filter (reference item 28). Official notice is hereby taken that it is known to perform confirmation testing in order to identify false-positive detections. This would eliminate the need for performing costly decontamination of the equipment that would have been done if the false-positive was not eliminated.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Application Publication 2002/0126008 to Lopez *et al.* discloses the detection of contaminants on mail items. Lopez *et al.* makes it clear that typical mail item processing equipment physically handles the mail items and can be considered a "shaker" for the puposes of releasing contaminants. See paragraphs 14 and 41.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Rogers whose telephone number is (571) 272-2205. The examiner can normally be reached on Monday - Friday (0730 - 1600). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Rogers/  
Examiner - Group Art Unit 2856